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Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C.

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 FCC MAIL ROOM

In the Matter of)
)
 Telecommunications Services)
 Inside Wiring)
 Customer Premises Equipment)
)
 In the Matter of)
)
 Implementation of the Cable)
 Television Consumer and Competition)
 Act of 1992)
)
 Cable Home Wiring)

CS Docket 95-184

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MM Docket 92-260

Comments of the New Jersey Ratepayer Advocate's Office

The above-referenced FCC proceedings raise a number of complex, important and far-reaching issues involving safety, technical concerns, and the future competitive marketplace for both consumers and telecommunications providers. The Telecommunications Act of 1996 and its attendant rulemakings must be closely considered by the FCC in its review since the legislation addresses, in part, technical standards and cable equipment compatibility. Cognizant

of these pending matters, the FCC should proceed in its inquiry in order to promote competitive parity and increased consumer choice.

Overview

The New Jersey Office of the Ratepayer Advocate supports the Commission's efforts to modernize its rules in the face of today's (and tomorrow's) converging technologies. This Office seeks to represent and protect the interests of all utility consumers--residential, small business, commercial and industrial, to ensure that they receive safe, adequate and proper utility service at affordable rates that are just, reasonable and nondiscriminatory. The Ratepayer Advocate was established in 1994 by Governor Christine Todd Whitman's Reorganization Plan. See 26 N.J.R. 2171 (June 6, 1995). It is a statutory intervenor in cases where cable operators seek to alter their rates or services through filings made at the Board of Public Utilities. In addition, the Ratepayer Advocate has supported efforts in New Jersey to open up the local telephone market to competition. See Comments filed March 1, 1996 in BPU Docket TX 95120631.

The FCC should consider the following general principles in its efforts to revise its wiring and customer equipment rules:

- The advancement of competition, both in the cable and telephony markets;
- The simplification of rules so that they can be better understood by cable subscribers and service providers;
- The need to improve opportunities for integration and interconnection of multiple services provided by any given entity;
- The goal of increasing service and equipment choices available to consumers;
- The need to increase the information available to consumers for informed

decisionmaking;

- The protection of the public interest and safety, i.e. ensuring that all broadband networks, regardless of their use, do not leak signals that can cause harmful interference or have a negative environmental impact.

- A recognition that technologies are converging from two separate industry poles-- telephone and cable, and the recognition that fair competition requires all entrants to operate pursuant to the same rules.

Specific Issues Raised in the Rulemakings

In CS Docket 95-184, referenced above, the FCC seeks comment on the establishment of a common demarcation point for wireline communications networks. To the extent such common demarcation point is technically possible, the Ratepayer Advocate supports the FCC's proposal. Treating all broadband networks the same, for example, would facilitate competition amongst the various service providers. Alternatively, the FCC should consider a demarcation point based upon the type of wire, regardless of the type of service provided over that wire. If the demarcation point is revised for single dwelling units (see Docket 95-184 text at paragraph 15), the FCC (and/or the State of New Jersey) must protect consumers against inflated fees that could be levied against them by existing property owners in the period during which ownership of the inside wires is being transferred. Similar treatment should be afforded to residents and owners located at multiple dwelling units (MDUs).

Both for purposes of protecting consumers and for leveling the playing field, the FCC should adopt uniform signal quality requirements, as discussed in paragraphs 22-26 of the text in Docket 95-184. Uniform signal leakage limits should be applicable to a particular technology,

independent of the service to which their networks are put to use since it is likely that different technologies may have different signal leakage characteristics.. The expansion of video offerings by telephone providers sanctioned by the new Act is imminent, and the FCC must act quickly to require adherence by non-traditional cable providers to limited signal quality and, particularly, required signal leakage standards.

In order to assure that customers are able to choose service providers, the FCC should also consider the adoption of broad technical standardization requirements for service connections in an effort to promote market entry and deter customer equipment obsolescence. In general, however, the adoption of technical standards by the government should be limited in order to allow the market to continue to innovate.

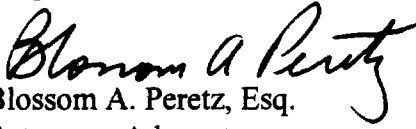
In the same vein, the FCC should harmonize the definitions within the common carrier and cable rules with regard to simple versus complex wiring; and residential versus non-residential wiring (see paragraph 35 of Docket 95-184 text). Whatever “regulatory regime for wiring” that the FCC finally chooses, there should be uniform treatment of telephone and video programming providers. Id.

As regards the FCC’s inquiries in Section D(text) of Docket 95-184, “Customer Access to Wiring,” the Ratepayer Advocate cautions the FCC against limiting current rights of consumers to access their narrowband wiring inside the demarcation point. Consumers should have broad rights to install and access inside wiring. With the growth of the Internet and new technologies, consumers are increasing their requirements for and their use of different or unique wiring configurations and equipment. Similarly, in Section G(text) of Docket 95-184 entitled “Customer Premises Equipment,” the FCC correctly concludes that “consumers should be able to

connect cable-related equipment, as well as purchase this equipment” (paragraph 72). In tailoring its rules, the FCC can uphold customer choice while protecting network reliability and safety by establishing a registration program similar to its existing Part 68 rules.

In sum, the Ratepayer Advocate applauds the FCC’s efforts to harmonize certain telephone and cable inside wiring rules and respectfully requests that the Commission consider the general comments provided herein by the Office of Ratepayer Advocate.

Respectfully submitted,


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Ratepayer Advocate

Dated: March 15, 1996